"(4) The Gram Panchayat shall be endowed with the regulatory function of recording births and deaths taken place within their territorial limit and such information shall be communicated to the concerned authority immediately by the concerned near relations of the newly born or the deceased as the case may be".

Insertion of new sections 39 A and 39 B

16. In the Principal Act, after section 39,the following new sections shall be inserted, namely:-

"39 A. Transfer of Funds to the Panchayat :-

The State Government shall release funds to the Panchayats in such a manner that these institutions get adequate time to use the allocation during the year itself. The fund release could be in the form of equally spaced installments. It could be done in two installments, one at the beginning of the financial year and the other by the end of September of that year.

39 B. Grants and Shares of Taxes.-

(1) The State Government shall having regard to the recommendation, if any, of the Finance Commission, in each year, after due appropriation made by the State Legislature by law in this behalf, make such grants and shares of various taxes, duties, cess and fees as are necessary to the Panchayats for the proper discharge of their functions under this Act.

(2) The shares of taxes collected by the State Government shall be distributed among Panchayats at all levels in an equitable manner according to the formula fixed by the State Government to this effect".

Amendment of section 48

17. In the Principal Act, in section 48, for sub-section (3) the following shall be substituted, namely :-

"(3) The Directorate of Local Fund Audit, Finance Revenue and Expenditure Department, Government of Sikkim shall audit the accounts of Gram Panchayat/Zilla Panchayat/District Planning Committee, as soon as may be after the end of each financial year in the manner provided under the Sikkim Local Fund Audit Act, 2012, and submit the Annual Audit Report for placing it before State Legislature.

Whereas, the Comptroller and Auditor General of India shall provide Technical Guidance and Supervision (TG & S) over the audit of the Gram Panchayat and submit its Annual Technical Inspection Report for placing it before State Legislature".

Insertion of new section 48 A

18. In the principal Act, after section 48, the following section shall be inserted, namely :-

"48 A. Liabilities of Sabhapati, Up-Sabhapati and Member of Gram Panchayats .-

(1) Every member of a Panchayat including the Sabhapati and Up-Sabhapatithereof shall be liable to the Panchayat of which they

are members or, as the case may be, Sabhapati and Up-Sabhapati, for the loss, waste or misappropriation of any money or other property belonging to such a Panchayat as direct consequence of his neglect or misconduct while in office.

(2) If on appearance the member or, as the case may be, the Sabhapati and Up-Sabhapati admits his liability and its amount, the Prescribed Authority shall pass an order for the recovery of the amount of each liability from such member or, as the case may be, such as Sabhapati and Up-Sabhapati.

(3) If the member or, as the case may be, the Sabhapati and Up-Sabhapati disputes their liabilities or its extent, the Prescribed Authority after recording evidence in support of the allegations and after giving the concerned office-bearer opportunity to cross-examine the witness and to adduce evidence in defense shall, by order, determine the extent and amount of liability of such office-bearer for such waste or misappropriation of money or property".

Amendment of section 50

19. In the Principal Act, after sub-section (4) of section 50, the following proviso shall be inserted, namely :-

"Provided that Office of the District Collector of respective District will issue Other Backward Classes (Centre) and Other Backward Classes (State) certificate for the above purpose only"

Amendment of section 60

20. In the Principal Act, the existing section 60 shall be renumbered as sub-section (1) of that section, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :-

"(2) The provision of Section 23 relating to Power, Function and Duties of Sabhapati and Up-Sabhapati of Gram Panchayat shall mutatis-mutandis be applicable to the Adhakshya and Up-Adhakshya".

Omission of section 61

21. In the Principal Act, section 61 shall be omitted.

Amendment of section 66

22. In the Principal Act, in section 66 ,-

(i) after clause (d), the following clause shall be inserted namely :-

"(e) any member of Zilla Panchayat being a member of any political party, if he ceases to be the member of that political party, shall cease to be the member of Zilla Panchayat from the same day he ceases to be the member of that political party".

(ii) sub-section "(5)" shall be omitted".

Insertion of new section 66 A

23. In the Principal Act, after section 66, the following section shall be inserted, namely :-

"66 A. Recalling of Adhakshya or Up-Adhakshya or Member of Zilla Panchayat :-

The provision of section 27 A relating to Recalling of Sabhapati or Up-Sabhapati or Member of Gram Panchayat shall mutatis-

23

mutandis be applicable to the Adhakshya or Up-Adhakshya or Member of Zilla Panchayat".

Insertion of new sections 76 A and 76 B

24. In the Principal Act, after section 76, the following new sections shall be inserted namely:-

"76 A. Transfer of Funds to the Panchayat.-

The State Government should release funds to the Panchayats in such a manner that these institutions get adequate time to use the allocation during the year itself. The fund release could be in the form of equally spaced installments. It could be done in two installments; one at the beginning of the financial year and the other by the end of September of that year.

76 B. Grants and Shares of Taxes.-

(1) The State Government shall having regard to the recommendation, if any, of the Finance Commission, in each year, after due appropriation made by the State Legislature by law in this behalf, make such grants and shares of various taxes, duties, cess and fees as are necessary to the Panchayats for the proper discharge of their functions under this Act.

(2) The shares of taxes collected by the State Government shall be distributed among Panchayats at all levels in an equitable manner according to the formula fixed by the State Government in this behalf ".

Insertion of new section 85 A

25. In the Principal Act, after section 85, the following new section shall be inserted namely:-

"85 A. Liabilities of Sabhapati, Sachiva and Member of Zilla Panchayats :-

The provision of Section 48 A relating to Liabilities of Sabhapati or Sachiva or Member of Gram Panchayat shall mutatis-mutandis be applicable to the Adhakshya or Up-Adhakshya or Member of Zilla Panchayat".

Amendment of section 86

26. In the Principal Act, in the section 86, for the words"and sub-section (3)" the words "in a manner provided in sub-section (3)" shall be substituted.

Insertion of new section 123 A

27. In the Principal Act, after section 123, the following section shall be inserted namely:-

"123A. Pool of experts and specialists.- A pool of experts and specialists (e.g. Engineers, Planner, Accountants etc.) may be maintained by State Government or District Panchayat. This common pool could be then accessed by the Panchayats whenever required for specific tasks on payment".

Amendment of section 127

28. In the Principal Act, in section 127:-

(i) in the marginal heading the word after "Constitution" and before the word "of" the words "Function" shall be inserted.

(ii) for section 127 and the entries relating thereto, the following shall be substituted, namely:-

"127. (1) The State Government shall constitute District Planning Committees (District Planning Committees) in every District within three months of completion of elections to Panchayats. The District Planning Committee shall have a planning office with a full time District Planning Officer. The District Planning Committees shall be constituted to consolidate the plans prepared by the Panchayats and the Municipalities in the District and to prepare a draft development plan for the District as a whole.

EXPLANATION – DPO means any substantive officer appointed by the State Government trained and monitored by the DPER & NECA Department.

(2) The District Planning Committee shall consist of such number of members as may be specified by the State Government from time to time by Notification in the Official Gazette and in so fixing the total number of members of the District Planning Committee, the State Government shall specify the number respectively of the nominated members and elected members:

Provided that not less than four-fifth of the total number of members of the District Planning Committee shall be elected by and from amongst, the elected members of the District Panchayat and the Municipalities in the District in proportion to the ratio between the population of the rural and urban area in the District.

(3) the nominated members may consist of :-

(a) persons representing the State Government;

(b) members of the Legislative Assembly who represent a constituency comprising the whole or part of the District.

(c) members representing such organizations and institutions as may be deemed necessary by the State Government.

(4) The District Planning Committee shall have-

a) such functions relating to District planning as may be assigned to it by the State Government;

(b) such powers as may be conferred on it by the State Government.

(5) The Chairperson of the District Planning Committee shall be the Chairperson of the District Panchayat concerned.

(6) Every District Planning Committee shall, in preparing the draft development plan, have regard to-

(i) Matters of common interest between the Panchayat and the Municipalities including spatial planning, sharing of water

and other physical and natural resources, the integrated development of the infrastructure and environmental conservation;

(ii) The extent and type of available resources whether financial or otherwise, and

(iii) Consult such institutions and organizations as the State Government may by order, specify.

(7) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by the District Planning Committee, to the State Government.

(8) There shall be a planning office headed by the District Planning Officer to assist the District Planning Committee.

The appointment of the staff and officers of the planning office shall be made according to the rules made by the State Government".

Insertion of new section 133

29. In the Principal Act, after section 132, the following section shall be inserted, namely:-

"133 - **Powers and responsibilities of police in respect of offences and assistance to the Panchayats.-**

Every police officer posted within the territorial limit of the Panchayat shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed under this Act or any rule or by-law made thereunder and shall assist all the members, officers and servants of the Panchayat in the exercise of their lawful authority".

CHAPTER XIII

Insertion of new Chapter XIII - Standing Committees and Insertion of new sections.

30. In the Principal Act, after section 133, the following new sections shall be inserted, namely:-

1. **"134. Standing Committees of Panchayats.-**

(1) In every Panchayat at all levels Sectoral Standing Committees as stated below shall be constituted:

(a) Standing Committee for Finance.

(b) Standing Committee for Economic Development and Planning.

(c) Standing Committee for Welfare and Social Justice.

(d) Standing Committee for Health, Nutrition, Sanitation and Drinking water.

(e) Standing Committee for Education and Skill Development.

(f) Standing Committee for Agriculture, Forestry, Watershed and Allied Activities.

(2) In the District Panchayat a Standing Committee for Public Works shall also be constituted.

(3) Every Standing Committee shall consist of such number of members, including its Adhakshya or Sabhapati, as decided by the Panchayat, so that all elected members except the Adhakshya and Up-Adhakshya or Sabhapati and Up-Sabhapati shall be members in one of the Standing Committees and the number of members to each Standing Committee shall, as far as possible, be equal.

(4) The number of members of each Standing Committee as decided by the Panchayat under sub-section (2) shall not be changed within the term of that Panchayat.

(5) In every Standing Committee there shall be members appointed in accordance with the procedure prescribed by the Panchayat itself. No Panchayat representative shall be a member of more than one Standing Committee at a time.

(6) The Chairperson of every Standing Committee, except the Standing Committee for Finance, shall be elected by the members of the respective Standing Committee from among themselves.

(7) The Up-Adhakshya or Up-Sabhapati of Panchayat shall be an ex-officio member and Chairperson of the Standing Committee for Finance and the Sabhapati of Panchayat shall be an ex-officio member of all Standing Committees without the right to vote.

(8) A member other than an ex-officio member of a Standing Committee and the Chairperson of a Standing Committee other than the Standing Committee for Finance may resign the membership or Chairmanship of a Standing Committee, as the case may be by tendering resignation to the Sachiva of the Panchayat in the prescribed form and the resignation shall take effect from the date on which it was received by the Sachiva and the Sachiva shall inform the Chairperson and the Panchayat immediately of the fact.

(9) The person who intends to resign from the membership or Chairmanship of the Standing Committee shall personally present such resignation letter to the Secretary who shall acknowledge the receipt of the same.

(10) Except as otherwise provided in this Act, the term of the Chairperson of a Standing Committee or its members shall co-exists with the term of that Panchayat.

(11) An election to fill up a casual vacancy of a member of a Standing Committee shall be conducted within thirty days of the occurrence of that vacancy:

Provided that where the vacancy in a Standing Committee could not be filled due to the vacancy of a member of Panchayat, the vacancy of Standing Committee shall be filled up within thirty days from the date of filling up of the vacancy of the member of Panchayat.

(12) If a casual vacancy of the Chairperson of a Standing Committee other than the Standing Committee for Finance arises, one of its members shall be elected as its Chairperson in the next meeting of the Standing Committee.

(13) A motion of no-confidence against the Chairperson of the Standing Committee other than the Standing Committee for Finance may be moved subject to the prescribed provisions and procedures and if such a motion is passed with the support of not less than the majority of the members of the Standing Committee, the Chairperson of that Standing Committee shall cease to hold office and shall be deemed to have vacated the office of the Chairperson of the Standing Committee immediately".

"135. Meetings of Standing Committees.-

In regard to conduct of business at its meetings, a Standing Committee will follow such procedure as may be prescribed".

"136. Subject to be dealt with by the Standing Committees.-

(1) The following subjects shall be dealt with by the Standing Committees of the Panchayat:

(a) In a Gram Panchayat, -

(i) The Standing Committee for Finance shall deal with the subjects of finance, tax, accounts, audit, budget, general administration, appeals relating to tax and subjects not allotted to other Standing Committees;

(ii) The Standing Committee for Economic Development shall deal with the subjects of development planning, socio-economic planning, spatial planning, small-scale industry, housing, regulation of building construction, electricity, poverty alleviation programmes, slum improvement, food security including the public distribution system, markets etc;

(iii) The Standing Committee for Welfare and Social Justice shall deal with the subjects of economic, social, educational, cultural and other interests of Scheduled Caste-Scheduled Tribe, protection of such castes and classes from social injustice and any form of exploitation, development of women and children, social welfare, social security etc.

(iv) The Standing Committee for Health, Nutrition, Sanitation and Drinking Water shall deal with the subjects of public health, social hygiene, public works, sanitation, water supply, sewerage, environment etc;

(v) The Standing Committee for Education and Skill Development shall deal with the subjects of education, art & culture and entertainment;,

(vi) The Standing Committee for Agriculture, Forestry, Watershed and Allied Activities shall deal with the subjects of agriculture,

soil conservation, social forestry, animal husbandry, diary development, minor irrigation, fisheries, and other matters connected with development of agriculture and live-stock.

(b) In the District Panchayat, -

(i) The Standing Committee for Finance shall deal with the subjects like finance, accounts, audit, budget, general administration and subjects not allotted to other standing committee;

(ii) The Standing Committee for Economic Development and Planning shall deal with the subjects like development planning, socio-economic planning, small scale industry, etc.

(iii) The Standing Committee for Public Works shall deal with the subjects like public works, housing, spatial planning and environment;

(iv) The Standing Committee for Health, Nutrition, Sanitation and Drinking Water shall deal with subjects like public health, rural water supply, sanitation and allied subjects.

(v) The Standing Committee for Education and Skill Development shall deal with subjects like education;

(vi) The Standing Committee for Welfare shall deal with subjects like social welfare, development of women and children and development of scheduled caste-scheduled tribe;

(vii) The Standing Committee for Agriculture, Forestry, Watershed and Allied Activities shall deal with the subjects like agriculture, soil conservation, animal husbandry, minor irrigation, fisheries and allied subjects.

(2) The Standing Committees of the Panchayat may perform such other functions as may be entrusted to them by the Panchayat in addition to the powers and duties conferred on them by rules made in this behalf.

(3) Every resolution passed by the Standing Committee shall be placed before the Panchayat in its next meeting and the Panchayat shall have power to modify such resolutions if considered necessary.

(4) Experts in relevant subject matter shall be invited to attend the meetings of the respective Standing Committee and render necessary assistance to the committee in the discharge of its functions".

"137. Power to call for records from standing Committees.-

A Panchayat may at any time call for any document including extracts from the proceedings of the meetings of any Standing Committee any return, account statement or report concerning or connected with any matter with which such Standing Committee has been authorized or directed to deal, and every such requisition shall be complied with by the Standing Committee".

"138. Power to revise decisions of Standing Committees.-

(1) A Panchayat may, on application made to it or otherwise, examine the record of any decision of any of its Standing Committees and may confirm, reverse or modify such decision:

Provided that no action under this sub-section shall be initiated after the expiry of three months from the date of the decision sought to be revised.

(2) The order of the Panchayat under sub-section (1) reversing or modifying a decision of its Standing Committee must be supported by a majority of the total number of its members, failing which the decision of the Standing Committee shall stand".

Jagat B. Rai (SSJS)
L. R-cum-Secretary,
Law Department.

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Thursday 14th June, 2018 | No. 321

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.11/LD/18 Dated: 13.06.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of June, 2018 is hereby published for general information:-

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2018
(ACT NO. 11 OF 2018)

AN

ACT

to amend the Sikkim Panchayat, Act 1993

Be it enacted by the Legislature of Sikkim in the Sixty-ninth Year of the Republic of India, as follows:-

Short title, extent and commencement

1 (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 2018.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force at once.

Amendment of Section 13

2 In the Sikkim Panchayat Act, 1993 (hereinafter referred to as the said Act), in section 13, after sub-section (5), the following proviso shall be inserted, namely:-

"Provided that from the total number of seats reserved in the Gram Panchayat as a whole for the Tribal Community in Sikkim, the seats for the Bhutia-Lepcha Community who belong to Tribal Community shall be proportionate to their population:

Provided further that the seats so reserved for the Bhutia-Lepcha Community shall not be less than minimum of 20% of the seats for the Tribal Community".

THE SUBSEQUENT AMENDMENTS TO THE SIKKIM PANCHAYAT ACT, 1993 (ACT NO. 6 OF 1993) AMENDED AND UPDATED UPTO JUNE, 2018

Amendment of Section 50

3 In the said Act, in Section 50, after sub-section (4), the following proviso shall be inserted, namely:-

"Provided that from the total number of seats reserved in the Zilla Panchayat for the Tribal Community in Sikkim, the seats for the Bhutia-Lepcha Community who belong to Tribal Community shall be proportionate to their population:

Provided further that the seats so reserved for the Bhutia-Lepcha Community shall not be less than minimum of 20% of the seats for the Tribal Community".

Jagat B. Rai (SSJS)
L.R-cum-Secretary
Law Department

SIKKIM

GOVERNMENT GAZETTE

Gangtok | Tuesday 12th May, 2020 | No. 99

LAW DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No. 07/LD/20 Dated: 30.04.2020

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 25th day of March, 2020 is here by published for general information:-

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2020
(ACT NO. 07 OF 2020)
AN
ACT

further to amend the Sikkim Panchayat Act, 1993.

Be it enacted by the Legislature of Sikkim in the Seventy-first Year of the Republic of India as follows :-

Short title and commencement

1. (1) This Act may be called as the Sikkim Panchayat (Amendment) Act, 2020

(2) It shall come into force on the date of its publication in the Official

Amendment of section 18

2. In the Sikkim Panchayat Act, 1993 (hereinafter referred to as Principal Ac) in section 18, the word "Sachiva" shall be omitted.

Amendment of section 29

3. In the Principal Act, in section 29, "clause(e) shall be omitted.

Amendment of section 66

4. In the principal Act, in section 66, "clause (e) shall be omitted.

Amendment of section 129

5. In the principal Act, after section 128, the following section shall be inserted, namely :- "129. No person shall contest the election to any Panchayat with the support, direct or indirect of any political party".

JAGAT B. RAI (SSJS)
L.R-cum-Secretary,
Law Department,
Gangtok.

S.G.P.G. 99/ Com. 6/Gazette /100 Nos./ Dt: 12.04.2020

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Wednesday 27th January, 2021 | No. 02

GOVERNMENT OF SIKKIM
LAW & P.A. DEPARTMENT
GANGTOK

No. 02/L&PAD/2021 Dated: 27.01.2021

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of January, 2021 is hereby published for general information :-

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2021

(ACT No. 02 OF 2021)

AN

ACT

further to amend the Sikkim Panchayat Act, 1993.

Be it enacted by the Legislature of Sikkim in the Seventy-second Year of the Republic of India as follows :-

Short title and Commencement

1 (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the date of publication in the Official Gazette.

Amendment of Section 11

2 (1) In the Sikkim Panchayat Act, 1993 (hereinafter referred to as the "Principal Act"), existing Section 11 shall be renumbered as sub-section (1) of that Section and after sub-section (1) as so renumbered the following sub-section (2) shall be inserted, namely:-

"(2) Notwithstanding anything contained in sub-section (1) above, if:

(a) the Gram Sabha fails to perform any of the functions stated in sub-section (1) above, within a reasonable time, or

(b) the Gram Sabha is due to some exceptional circumstances, reasons for which are to be recorded in writing, unable to meet and perform its functions,

(i) Then the Prescribed Authority shall, in consultation with the Gram Panchayat, take a decision and carry out any such function:

Provided that the Prescribed Authority shall ensure consultation with the Gram Panchayat by constituting a Committee, where:

(A) the members of the Gram Panchayat shall be more in number than the nominees of the State Government;

(B) the Chairperson of the Committee shall be the senior most Government nominee;

(C) the recommendations of the Committee shall be by majority."

Amendment of Section 11A

3 In the principal Act, in Section 11 A, in clause (c), before the words "to identify", the words "to render assistance to Gram Sabha" shall be inserted.

Jagat B. Rai (SSJS)
L.R.-cum-Secretary
Law & P.A. Department.